

IN THE UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF OKLAHOMA

MICHAEL KLIMEK,)
Petitioner,)
v.) Case No. CIV-09-345-D
PAUL A. KASTNER Warden,)
Respondent.)

ORDER

This matter is before the Court for review of the Report and Recommendation issued by United States Magistrate Judge Robert E. Bacharach, recommending the denial of Petitioner's motion to proceed *in forma pauperis*. Within the time period for filing an objection, Petitioner has informed the Court of his intention to pay the filing fee and of possible delay caused by the federal prison system's process for issuing payment. *See* Response [Doc. No. 6]. To date, no payment has been received. However, Judge Bacharach recommends that Petitioner be given twenty days to pay the fee, which should allow sufficient time to process a timely payment request.

IT IS THEREFORE ORDERED that the Report and Recommendation [Doc. No. 5] is adopted. The Motion for Leave to Proceed In Forma Pauperis [Doc. No. 2] is DENIED. Petitioner is ordered to pay the \$5.00 filing fee to the Clerk of Court within 20 days from the date of this Order. Failure to pay the filing fee, to request an extension of time, or to show cause for nonpayment by that date will be cause for dismissal of the action without prejudice to refiling.

IT IS FURTHER ORDERED that the case is re-referred to Judge Bacharach for further proceedings consistent with the initial case referral [Doc. No. 4].

IT IS SO ORDERED this 27th day of April, 2009.



TIMOTHY D. DEGIUSTI
UNITED STATES DISTRICT JUDGE